

1 THE HONORABLE RONALD B. LEIGHTON
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8 **UNITED STATES DISTRICT COURT**
9 **WESTERN DISTRICT OF WASHINGTON**
10 **AT TACOMA**

11 KEN HOUSE and DIANE COLLINS,

12 Plaintiffs,

13 v.

14 ROBERT LANDIS, JR., in personam; the F/V
15 TOWNSEND, Official Number 579279, her engines,
16 machinery, appurtenances and cargo, in rem;;

17 Defendants.

18 At Law or In Admiralty

19 No. C08-5075RBL

20 **ORDER DISMISSING PLAINTIFFS'**
COMPLAINT AND ORDER TO
REMOVE PLAINTIFFS' RECORDED
LIENS FROM THE F/V TOWNSEND'S
ABSTRACT OF TITLE

21 This matter came before the Court on Defendant Robert Landis, Jr.'s Motion for
22 Summary Judgment and for an Order that Plaintiffs' Liens Recorded against the F/V
23 TOWNSEND be Removed. The Court has considered Defendant's motion, the declarations
and exhibits in support thereof, Plaintiffs response in opposition, and Defendant's reply,
based on the evidence presented, NOW, THEREFORE, the Court hereby finds as follows:

24 1. Plaintiff Ken House has failed to set forth specific facts or to present
25 significant probative evidence to support his claim of personal injury, and consequently has

[Proposed] ORDER DISMISSING PLAINTIFFS' COMPLAINT
AND ORDER TO REMOVE PLAINTIFFS' RECORDED LIENS
FROM THE F/V TOWNSEND'S ABSTRACT OF TITLE – Page 1

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1 failed to establish that there is any genuine issue as to any material fact related to his claim of
2 personal injury;

3 2. Plaintiff Ken House has failed to set forth specific facts or to present
4 significant probative evidence to support his wage claim, and consequently has failed to
5 establish that there is any genuine issue as to any material fact related to his wage claim;

6 3. Plaintiff Diane Collins has failed to set forth specific facts or to present
7 significant probative evidence to support her wage claim, and consequently has failed to
8 establish that there is any genuine issue as to any material fact related to her wage claim;

9 4. Plaintiff Ken House has failed to establish entitlement to a lien against the F/V
10 TOWNSEND based on his alleged personal injury and wage claims;

11 5. Plaintiff Diane Collins has failed to establish entitlement to a lien against the
12 F/V TOWNSEND based on her alleged wage claim;

13 6. Plaintiffs have failed to raise any genuine issues of material fact;

14 7. Defendant is entitled to judgment as a matter of law; and

15 8. Defendant is entitled to attorney fees in the amount of \$500 as the prevailing
16 party under 46 U.S.C.A. § 31343(c)(2).

17 THE COURT HEREBY DECLARES, that the liens recorded by Plaintiffs against the
18 F/V TOWNSEND, U.S.C.G. No. 579279, (Documents 8426900 and 8426903, dated
19 February 6, 2008, and attached hereto as Exhibit A) are of no effect and should be removed
20 from the F/V TOWNSEND's Abstract of Title.

21 IT IS HEREBY ORDERED, that Defendant Robert Landis, Jr.'s Motion for
22 Summary Judgment and for an Order that Plaintiffs' Liens Recorded against the F/V
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[Proposed] ORDER DISMISSING PLAINTIFFS' COMPLAINT
AND ORDER TO REMOVE PLAINTIFFS' RECORDED LIENS
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1 TOWNSEND be Removed is GRANTED. Plaintiffs' complaint is hereby dismissed with
2 prejudice.

3 IT IS FURTHER ORDERED, that the liens recorded by Plaintiffs against the F/V
4 TOWNSEND, U.S.C.G. No. 579279, (Documents 8426900 and 8426903, dated February 6,
5 2008, and attached hereto as Exhibit A) be removed from the F/V TOWNSEND's Abstract
6 of Title.

7 IT IS FURTHER ORDERED, that Plaintiffs shall pay the amount of \$500 to
8 Defendant.

9 DATED this 11th day of September, 2008.

10 
11 RONALD B. LEIGHTON
12 UNITED STATES DISTRICT JUDGE

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14 Presented By:

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[Proposed] ORDER DISMISSING PLAINTIFFS' COMPLAINT
AND ORDER TO REMOVE PLAINTIFFS' RECORDED LIENS
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